

# EXHIBIT 3

**From:** [Amber Magee](#)  
**To:** [Hawkins, Ryan B. \(SDO\)](#); [Edlin, Elise \(SFO\)](#)  
**Cc:** [Cisco-Paltalk-Service](#); [Ryan Caughey](#); [Kalpana Srinivasan](#); [Max Tribble](#); [Bryce T. Barcelo](#); [Alex Kaminsky](#); [Stacy Schulze](#); [Vanessa Keller](#); [Maria Romo](#)  
**Subject:** Re: Paltalk/Cisco - Schedule  
**Date:** Wednesday, September 28, 2022 4:11:35 PM

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Ryan and Elise,

Contingent upon Cisco's agreement to resolve the outstanding discovery issues below within the new discovery period, Paltalk will agree to Elise's 09/15 proposal to conclude fact discovery on 10/13, serve opening expert reports and file discovery motions by 10/20, file rebuttal expert reports by 11/17, close expert discovery on 12/12, and file Daubert/dispositive motions and joint reports by 12/28. Paltalk reserves the right to ask the Court to maintain the current trial date, while adjusting pretrial deadlines to comport with the 3-week extension. That said, we will need your agreement that you will not advocate extending the trial date beyond three weeks from the current trial date.

Paltalk's agreement is contingent upon Cisco agreeing to timely resolve the following outstanding discovery issues:

1. **Outstanding issues from Mr. Boyles's depo:**

- a. Mr. Boyles's lack of knowledge on Cisco's revenue spreadsheets: Mr. Boyles was Cisco's corporate representative for a number of financial topics, but Mr. Boyles was unprepared to give key information contained in the revenue spreadsheets produced by Cisco. For example, exhibit 16 to Mr. Boyles's deposition was the revenue spreadsheet produced by Cisco at CISCO-PAL-00002525. Mr. Boyles did not know the meaning of the product IDs listed in this spreadsheet, *see* Boyles Dep. 47:5-48:1. This information is within the reasonable scope of topics 29 and 31, and Mr. Boyles's could not testify as to which of the product IDs corresponded to Webex products that contain the Accused Functionalities. Mr. Boyles likewise was not prepared to discuss the product descriptions in CISCO-PAL-00002525 either. *See* Boyles Dep. 48:6-15. Paltalk requests that Cisco promptly present a witness that is knowledgeable about the information contained in the revenue spreadsheets produced by Cisco (and identified in Cisco's response to Paltalk's Interrogatory No. 2), including information about the specific product IDs, product descriptions, product families, and product family types and how information contained in those data fields relates to the Accused Functionalities and Accused Products. A fully prepared witness should be able to decipher the acronyms and codes contained in the revenue spreadsheets. Mr. Boyles testified that he hadn't seen any sort of legend or key related to the various acronyms. That's surprising, and we ask you to confirm. Of course, if such a key or legend exists, Paltalk requests a prompt production of it.
- b. Cisco's agreement to present a witness to testify about outstanding financial topics: Mr. Boyles was not knowledgeable about the full scope of topic 30 because he could not identify which Webex products incorporated the Accused Functionalities. *See* Boyles Dep. 106:1-25. I went off the record to discuss Mr.

Boyles's lack of knowledge on this topic with Elise, and I explained that questions about which Accused Functionalities are present in various Webex Products were questions well within the reasonable scope of topic 30. Elise said Cisco could put up another witness to cover the remainder of topic 30, and I moved on from this topic and noted this issue on the record. See Boyles Dep. 106:16-25.

Additionally, key documents responsive to Paltalk's RFPs 11 and 23 were withheld until the night before Mr. Boyles's deposition, and Cisco amended relevant ROG responses after Boyles's deposition (despite Paltalk timely supplementing its ROG responses and requesting that Cisco supplement for nearly 2 months). Paltalk therefore requests that Cisco present a witness knowledgeable about Topic 30. A fully prepared witness should be able to discuss and describe Cisco's revenue sheets as described in 1(a) and should be able to explain the which of the Accused Products (and their dollar breakdowns) are reflected in the revenue lines for all products listed in the pivot table on tab 1 of CISCO-PAL-00003132 and the "Webex," "WEBEXBU," and "WEBXONGPLUBU" revenue streams shown in CISCO-PAL-00003133.

2. **Cisco's Supplemental Response to ROG 2:** Though Cisco supplemented its response to ROG 2 (only on last Thursday 9/22) by identifying various revenue spreadsheets, the spreadsheets don't fully respond to ROG 2. Paltalk requested yearly and quarterly sales of each of the relevant products, but the documents Cisco provided do not include the requested information. Cisco's response to ROG 1 asserts that at least 4 Webex products do not contain the Accused Functionalities and are thus not relevant to this case: Edge, Socio, Slido, and Calling. Paltalk requests that Cisco promptly—at least 3 days before the deposition requested earlier in this email—respond to ROG 2 by providing the yearly and quarterly revenue for *each* of the following products: Webex App, Webex Suite, Webex Meeting, Webex Messaging, Webex Events, Webex iOS App, Webex Android App, Webex Meetings for iOS, Webex Meetings for Android, Webex Teams, Webex Meetings for Microsoft Teams, and Webex Training.
3. **Cisco's Outstanding 30(b)(6) Witnesses:** Paltalk also requests that Cisco present Messrs. Belcher and Barave by 10/13, as well as any other witness that would be required to cover any remaining 30(b)(6) topics that might not be covered by those two witnesses, including the deficiencies listed above.

Please let me know if Cisco agrees to Paltalk's stated conditions above. If not, please consider this Paltalk's conference on these discovery issues so that Paltalk can promptly seek the Court's intervention.

Amber Magee

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**From:** Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>

**Date:** Tuesday, September 27, 2022 at 7:15 PM

**To:** Ryan Caughey <rcaughey@susmangodfrey.com>, Amber Magee

<AMagee@susmangodfrey.com>

**Cc:** Edlin, Elise (SFO) <EEdlin@perkinscoie.com>

**Subject:** RE: Paltalk/Cisco - Schedule

**EXTERNAL Email**

Ryan and Amber,

Just quickly to update why we bounced to 1/16, with putting the close of expert discovery to 12/12, we previously had two weeks after that before the Daubert/MSJ deadline. That would have put that date at 12/26 which we again didn't think anybody wanted to deal with. Then it was 1/1 that nobody wants to be dealing with, etc. How about instead of 12/22 as the deadline we say 12/28? That I think would put responses on the 1/11 as opposed to 1/5? We will discuss both options internally tonight like you are, but I wanted to throw this out there as a minor deviation that would reduce the holiday work.

**Ryan Hawkins | Perkins Coie LLP**

**SENIOR COUNSEL**

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**From:** Ryan Caughey <rcaughey@susmangodfrey.com>

**Sent:** Tuesday, September 27, 2022 2:17 PM

**To:** Edlin, Elise (SFO) <EEdlin@perkinscoie.com>; Piepmeier, Sarah (SFO) <SPiepmeier@perkinscoie.com>; Hawkins, Ryan B. (SDO) <RHawkins@perkinscoie.com>; Griggs, Angela (SFO) <AGriggs@perkinscoie.com>

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**Subject:** RE: Paltalk/Cisco - Schedule

Yes – that will work. I'll look out for the link. Thanks.

**Ryan Caughey | Susman Godfrey LLP**

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**From:** Edlin, Elise (SFO) <EEdlin@perkinscoie.com>

**Sent:** Tuesday, September 27, 2022 4:12 PM

**To:** Ryan Caughey <[rcaughey@susmangodfrey.com](mailto:rcaughey@susmangodfrey.com)>; Piepmeier, Sarah (SFO) <[SPiepmeier@perkinscoie.com](mailto:SPiepmeier@perkinscoie.com)>; Hawkins, Ryan B. (SDO) <[RHawkins@perkinscoie.com](mailto:RHawkins@perkinscoie.com)>; Griggs,

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**Subject:** RE: Paltalk/Cisco - Schedule

EXTERNAL Email

Ryan,

We are available this afternoon at 4:30 PDT. If that works for you, I can send a Teams meeting link.

**Elise Edlin | Perkins Coie LLP**

COUNSEL

She/her/hers

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Visit our COVID-19 page: [www.perkinscoie.com/coronavirus](http://www.perkinscoie.com/coronavirus)

Read our Commitment to Racial Equality: [www.perkinscoie.com/racialequality](http://www.perkinscoie.com/racialequality)

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**From:** Ryan Caughey <[rcaughey@susmangodfrey.com](mailto:rcaughey@susmangodfrey.com)>

**Sent:** Tuesday, September 27, 2022 1:28 PM

**To:** Piepmeier, Sarah (SFO) <[SPiepmeier@perkinscoie.com](mailto:SPiepmeier@perkinscoie.com)>; Edlin, Elise (SFO) <[EEdlin@perkinscoie.com](mailto:EEdlin@perkinscoie.com)>; Hawkins, Ryan B. (SDO) <[RHawkins@perkinscoie.com](mailto:RHawkins@perkinscoie.com)>; Griggs, Angela (SFO) <[AGriggs@perkinscoie.com](mailto:AGriggs@perkinscoie.com)>

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**Subject:** Paltalk/Cisco - Schedule

Elise/Ryan – Do you (or Sarah) have a few minutes this afternoon to get on the phone to discuss schedule and, in particular, the proposed schedules exchanged on 9/15? I took another close look and it seems to me there's room for compromise, beyond the email exchanges we've had. Let me know and thanks.

Ryan

**Ryan Caughey | Susman Godfrey LLP**

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